

REMARKS

The Office Action mailed May 24 has been received and reviewed. Claims 12 and 29-44 are pending in the application. Claims 12 and 29-44 stand rejected as failing to comply with §112 ¶¶ 1 and 2. Claims 12, 29-34, 36, 37, and 39-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,915,387 to Baxstrom in view of U.S. Patent 6,949,029 to Strande and U.S. Patent 1,484,390 to Gibbs. Claim 35 is rejected under 35 U.S.C. §103(a) as being unpatentable over Baxstrom in view of Strande and U.S. Patent 5,273,285 to Long. Claim 38 is rejected as being unpatentable over Baxstrom in view of Strande and U.S. Patent 6,156,396 to Florian. Claims 42-43 stand rejected as being unpatentable in view of Baxstrom in view of Strande and U.S. Patent 2,652,251 to Molinar.

OBJECTIONS TO THE SPECIFICATION

The amendment filed March 23, 2006 is objected to as introducing new matter. Specifically the phrase “a unique lateral component” is objected to. By this amendment this language has been removed from the claims.

OBJECTIONS TO THE CLAIMS

The claims are objected to as being misnumbered. By this amendment the second claim 43 has been changed to be claim 44.

REJECTIONS UNDER 35 U.S.C. §112

The claims are rejected under 35 U.S.C. §112 ¶¶ 1 and 2 as failing to comply with the enablement requirement and the definiteness requirement for reciting “a unique lateral component.” By this amendment this limitation has been removed from the claims.

REJECTIONS UNDER 35 U.S.C. §103

With respect to claims 12 and 29, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established. In order to establish obviousness, each and every element

of the claimed invention must be found in two or more prior art references and there must be some teaching or suggestion in the prior art to combine the references.

None of the cited references whether alone or in combination teach or suggest all of the limitations of amended claims 12 and 29. In particular, none of the cited references disclose club path indicators each comprising an arcuate club path, the arcuate club paths crossing one another at a point of intersection proximate a tee aperture, the arcuate paths mapping club head paths of club heads striking a golf ball positioned on a golf tee positioned within the tee bore, the club head paths corresponding to at least two golf ball paths distinct from one another as corresponding to different one or more members of the group consisting of a pull, a hook, a draw, a straight, a fade, a slice, and a push.

The claimed configuration provides a compact template for swings having different lateral components such as hooks, slices, draws, and fades. By intersecting the arcuate club paths at the tee aperture, a single aperture is required for multiple swing types. The intersecting configuration is also more instructive inasmuch as the difference in angles of the shots is more apparent.

Baxstrom does not disclose any intersecting arcuate club paths. The guidelines 34 of Baxstrom are substantially parallel to one another and therefore do not cross as recited in the claims. Figs. 1 and 2. The guidelines 34 of Baxstrom further do not correspond to the different shots enumerated in the claims (a pull, a hook, a draw, a straight, a fade, a slice, and a push). Col. 2, lns. 32-45. Baxstrom does not provide any guidance for performing the enumerated shots. Selecting a club is not equivalent to selecting the shot. Any club may be used to hit a pull, a hook, a draw, a straight, a fade, a slice, or a push, depending on how it is used. Baxstrom does not provide a means to instruct a user how to accomplish these shots.

Strande also fails to disclose all the claimed limitations. The paths 16 and 14 of Strande are tangent to one another proximate a hole 64. Fig. 1. They do not cross one another, but rather are described as extending along one another. Col. 3, lns. 40-43 ("Further, the down swing club

path guide 16 is formed *along* a portion of the combination of the arm path member 12 and the body path member 14.”). Furthermore, the different paths shown by Strande are not arcuate club paths corresponding to the enumerated golf shots (a pull, a hook, a draw, a straight, a fade, a slice, and a push), but rather correspond to an arm path, a body path, and a swing club path. Col. 3. Ins. 35-43.

Gibbs fails to remedy the deficiencies of Strande and Baxstrom. Gibbs only discloses foot and ball position indicators and text instructing how to perform a shot. Gibbs does not disclose the arcuate club paths as recited in claims 12 and 29.

Inasmuch as none of these references disclose the claim limitations, whether alone or in combination, a *prima facie* case of obviousness has not been established.

The elements recited in claims 12 and 29 constitute patentable subject matter and do not constitute strictly printed matter. Printed matter, if functionally related to other claim elements, must be given patentable weight. *In re Gulack*, 703 F.2d 1579, 32 USPQ 401 (Fed. Cir. 1983). In *In re Gluack* the court found that a circular band with concentric rings with digits printed on it for performing calculations was not barred as printed matter because the digits were related to the band. In the present case, the club path indicators are functionally related to the template as guides for a club head. They are functionally related to the tee aperture and tee bore as guides for a club head striking a ball positioned over the tee bore. The template does more than simply support the club path indicators; the template also provides a tee bore for positioning a golf ball and serves as a guide for a club head path.

Claims 30-43 are dependent on allowable claim 29 and are therefore allowable for at least the reasons discussed hereinabove.

CONCLUSION

Applicant requests reconsideration and allowance of the pending claims.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Lawrence D. Graham

Registration No. 40,001

Direct Dial: 206.381.3304

